

DATE: August 27, 2014

TO: Alex Dambach, Division Chief  
Department of Planning and Zoning

FROM: Nathan Randall, Planner  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2014-0081  
Administrative Review for Change of Ownership and Minor Amendment  
Site Use: Restaurant  
Applicant: Panera Bread LLC  
Location: 1940 Duke Street  
Zone: CDD#1 / Coordinated Development District #1

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### **Request**

Special Use Permit #2014-0081 is a request for a minor amendment to add delivery service and to change ownership of an existing restaurant, formerly known as Plaza Gourmet, from Young Kim to Panera Bread LLC. The applicant's minor amendment request would allow one new delivery vehicle to deliver food to customers. No other changes to the existing SUP conditions are proposed. The applicant expects to operate the restaurant as a quick-service bakery/sandwich restaurant trading under the name of Panera Bread.

### **Background**

A restaurant has operated at this location since 2003, when City Council approved SUP#2003-0081. The business closed in approximately May 2014. Staff has not received any complaints about the business.

### **Parking**

The parking requirements for the subject building were specified in the Transportation Management Plan for Carlyle (SUP#2254) and these parking requirements were met for the subject site at the time the on-site parking garage was constructed. The applicant is thus not required to provide parking beyond that already provided at the subject site. However, staff has amended existing Condition #5 to require off-street parking for the new delivery vehicle.

### **Community Outreach**

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Carlyle-Eisenhower Civic, Carlyle Towers Condominium Unit Owners, and Royalton at the King Street Metro Condominium Associations were sent an e-mail with information about the current application. Staff has not received any comments from the public regarding this request.

### **Staff Action**

Staff supports the applicant's request. The change of ownership will allow recently-vacated tenant space in Carlyle to be occupied. The addition of one delivery vehicle as part of the

business is reasonable and typical for the type of restaurant proposed. It is also eligible for minor amendment approval consistent with Section 11-511(A)(2)(b)(ii) of the Zoning Ordinance.

Staff has amended various conditions for consistency with today's standard language. New Conditions #20 and #21 have been included to prohibit alcohol and live entertainment since neither feature was requested at the time of the prior SUP approval in 2003. Condition #5 has also been amended to allow the delivery vehicle, to limit the number of delivery vehicles to one, and to require the standard provision that that the vehicle be parked off-street at all times it is located in the vicinity of the restaurant.

Staff hereby approves the Special Use Permit request.

**ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:**

Date: 8/27/2014  
Action: Approved

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Alex Dambach, Division Chief

Attachments: 1) Special Use Permit Conditions  
2) Statement of Consent

**CONDITIONS OF SPECIAL USE PERMIT #2014-0081**

The new owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. The special use permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z) (SUP#2003-0081)
2. Seating shall be provided for no more than 132 patrons inside and outside. (P&Z) (SUP#2003-0081)
3. **CONDITION AMENDED BY STAFF:** The hours of operation shall be limited to 6:30 a.m. to 12:00 midnight daily. Meals ordered before 12 midnight may be served, but no new patrons may be admitted after 12 midnight, and all patrons must leave by 1 a.m. (P&Z) (~~SUP#2003-0081~~)
4. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP#2003-0081)
5. **CONDITION AMENDED BY STAFF:** Not more than one delivery vehicle used to deliver food and beverages to customers shall operate from the restaurant at any one time. The applicant must park the delivery vehicle in an off-street parking space when it is located in the vicinity of the restaurant. Delivery service is also permitted by foot, ~~or~~ bicycle or motorized scooter. (P&Z) (T&ES) (~~SUP#2003-0081~~)
6. No food, beverages, or other material shall be stored outside. (P&Z) (SUP#2003-0081)
7. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on-site outside of those containers. (P&Z) (SUP#2003-0081)
8. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z)(T&ES) (SUP#2003-0081)
9. **CONDITION AMENDED BY STAFF:** Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (T&ES) (~~SUP#2003-0081~~)
10. The applicant shall control odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES) (SUP#2003-0081)

11. All loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line. (T&ES) (SUP#2003-0081)
12. **CONDITION AMENDED BY STAFF:** The applicant shall require its employees who drive to work to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (P&Z) (T&ES) ~~(SUP#2003-0081)~~
13. **CONDITION AMENDED BY STAFF:** All loading and unloading associated with the restaurant shall take place either from the loading spaces located within the building, or approved on street loading spaces. (P&Z) (T&ES) ~~(SUP2003-0081)~~
14. **CONDITION AMENDED BY STAFF:** The applicant shall post signs directing patrons to the availability of parking at the on-site underground garage. The applicant shall also provide information about alternative forms of transportation to access the location of the use, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. (P&Z) (T&ES) ~~(SUP#2003-0081)~~
15. **CONDITION AMENDED BY STAFF:** The applicant is to contact the ~~Crime Prevention~~ Community Relations Unit of the Alexandria Police Department at ~~703-838-4520~~ 703-746-6838 regarding a security survey for the business and a robbery awareness program for all employees. (Police) ~~(SUP#2003-0081)~~
16. **CONDITION DELETED BY STAFF (See Condition #3):** ~~Meals ordered before the closing hour may be served, but no new patrons may be admitted, and all patrons must leave by one hour after the closing hour.~~ (P&Z) ~~(SUP#2003-0081)~~
17. Window signs or posters shall not block the visibility of the interior of the store from the street. Shelving, boxes, coat racks, storage bins, closets, and similar items shall be located where they do not block the windows. All window coverings shall be open as much as possible and provide some interior accent lighting when the business is closed. The front of the business may not be illuminated by flood lights placed on the sidewalk, trees or poles. (P&Z) (SUP#2003-0081)
18. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements. (P&Z) (SUP#2003-0081)
19. **CONDITION AMENDED BY STAFF:** The Director of Planning & Zoning shall review the Special Use Permit one year after approval and shall docket the matter for consideration by the Planning Commission and City Council if a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community, b) the Director has received a request from any person to

~~docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, or c) the Director has determined that there are problems with the operation of the use and that new or revised conditions are needed. The Director of Planning and Zoning shall review the special use permit one year after approval and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions, (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z) (SUP#2003-0081)~~

20. **CONDITION ADDED BY STAFF:** No live entertainment shall be allowed either inside the restaurant or within the outdoor dining area. (P&Z)
21. **CONDITION ADDED BY STAFF:** No alcohol sales shall be allowed at the restaurant. (P&Z)
22. **CONDITION ADDED BY STAFF:** Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

R-1 *Previous Conditions carried forward from SUP#2003-0081:*

8. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z) **(T&ES)** (SUP2003-0081)

9. **CONDITION AMENDED BY STAFF:** Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (T&ES)

10. The applicant shall control odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES) (SUP2003-0081)

11. All loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line. (T&ES) (SUP2003-0081)

12. **CONDITION AMENDED BY STAFF:** The applicant shall require its employees who drive to work to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (P&Z) **(T&ES)**

13. **CONDITION AMENDED BY STAFF:** All loading and unloading associated with the restaurant shall take place either from the loading spaces located within the building, or approved on street loading spaces. (P&Z) **(T&ES)** (SUP2003-0081)

14. The applicant shall post signs directing patrons to the availability of parking at the on-site underground garage. (P&Z) **(T&ES)** (SUP2003-0081)

R-2 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)

R-3 When storing any delivery vehicle, the applicant must park in an off-street parking space in the garage. (T&ES)

R-4 The applicant shall provide information about alternative forms of transportation to access the location of the use, including but not limited to printed and electronic business

promotional material, posting on the business website, and other similar methods.  
(T&ES)

- C-1 **NEW CODE REQUIREMENT ADDED BY STAFF:** The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of City Council approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at [commercialrecycling@alexandriava.gov](mailto:commercialrecycling@alexandriava.gov), for information about completing this form.  
(T&ES)

- C-2 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)

**Code Enforcement:**

- F-1 No comment for request to add an outdoor dining area.

**Health Department:**

***Food Facilities***

1. An Alexandria Health Department Permit is required for all regulated facilities. A permit shall be obtained prior to operation, and is not transferable between one individual or location to another.
2. Plans shall be submitted to the Health Department through the Multi-Agency Permit Center. Plans shall be submitted and approved by the Health Department prior to construction. There is a \$200.00 plan review fee payable to the City of Alexandria.
3. Plans shall comply with Alexandria City Code, Title 11, Chapter 2, The Food and Food Handling Code of the City of Alexandria. Plans shall include a menu of food items to be offered for service at the facility and specification sheets for all equipment used in the facility, including the hot water heater.
4. Facilities engaging in the following processes may be required to submit a HACCP plan: Smoking as a form of food preservation; curing food; using food additives to render food not potentially-hazardous; vacuum packaging, cook-chill, or sous-vide; operating a molluscan shellfish life-support system; and sprouting seeds or beans.
5. A Certified Food Manager shall be on-duty during all operating hours.
6. The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.
7. Wood flooring in eating areas shall be finished in a manner that is smooth, durable, easily-cleanable, and non-absorbent. In many cases, original wooden flooring in historical structures may not be suitable for food service facilities.

Parks and Recreation

F-1 No comments received

Police Department

F-1 No comments received

Fire Department

C-1 A fire prevention permit will be required for this occupancy condition – Assembly.



STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2014-0081. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the parking reduction at 1940 Duke Street.

\_\_\_\_\_  
Applicant - Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant – Printed

\_\_\_\_\_  
Date